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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General*

Addendum

1. During the period from 16 May to 28 September 2010, 12 additional reports were received from States pursuant to paragraph 10 of General Assembly resolution 63/126. Reports by States contain, inter alia, information on measures they have taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations on their respective territories. The relevant information concerning those reports is presented below.

I. Reports received from States pursuant to paragraph 10 of General Assembly resolution 63/126

2. **Burkina Faso** (17 May 2010) referred to incidents involving a number of diplomatic and consular missions in Burkina Faso (2008-2009):

In the course of 2008-2009, several primary offences under ordinary law were committed against a number of diplomatic and consular missions. The perpetrators of those offences have been arrested and punished in accordance with the penal legislation in force.

Since then, the Government of Burkina Faso, aware of its duty to ensure the security, safety and protection of the various diplomatic and consular missions and their staff throughout the country, has taken measures to enhance their protection, safety and security.

* The present addendum reflects contributions received by the Secretary-General after the 15 May 2010 deadline.

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3. **Switzerland** (17 May 2010) referred to incidents involving the Permanent Mission of China to the World Trade Organization and the Mission of the United States of America (2008). Switzerland takes its duty to protect and provide security for missions and international organizations very seriously. The overall situation in Switzerland can be considered safe. The rare incidents that occurred in the past two years were minor and consisted mainly of acts of vandalism. The following two incidents are examples:

(a) On 25 March 2008, graffiti was painted on the building of the Permanent Mission of China to the World Trade Organization. The Mission was provided with special security measures for a period of time. The matter was investigated and the Permanent Mission was informed of the findings;

(b) On 3 December 2008, the Nuclear, Radiological, Biological and Chemical Service of the Special Investigation Agency was alerted by the Mission of the United States of America owing to the suspected presence of anthrax in the diplomatic pouch. The powder was collected and analysed by the University Hospital of Geneva, and the results were negative. Because no complaint was filed, no further action was taken.

4. **The United Kingdom of Great Britain and Northern Ireland** (18 May 2010) referred to incidents involving its Embassy in the Islamic Republic of Iran:

On 30 December 2008, around 100 Basij, militia armed with sticks and small petrol bombs stormed the Embassy's residential compound in Gulhak in the north of Tehran, causing a significant amount of damage. The Basij militia is a volunteer force under the command of the Islamic Revolutionary Guard Corps. The Iranian security forces did not arrive in sufficient numbers to control the incident until around 40 minutes later, by which time one Embassy property had been ransacked and a computer hard drive and personal papers stolen. A number of other properties and an Embassy vehicle were also damaged. Members of one British family with a one-year-old baby were forced to barricade themselves in their house until they could be safely escorted off the compound. A large hostile crowd of several hundred Basij also gathered outside the compound. At the request of the Embassy, the security forces photographed and videoed the events for evidential purposes; however, since then the United Kingdom has received no information from the Iranian authorities about the investigation into the incident or any charges that might have been brought against the perpetrators, nor has the stolen property been returned.

On 27 June 2009, all nine local employees (Iranian nationals) in the Political/Economic Section of the British Embassy in Tehran were detained and interrogated by the Iranian authorities on the fallacious grounds that they had been fomenting unrest on behalf of the United Kingdom following the disputed presidential elections of 12 June 2009. This was plainly an orchestrated act to intimidate and seriously interfere with the functions of the British Embassy. One of the nine staff was sentenced to four years in prison for espionage, after appearing in a mass, televised show trial. Three others were required to deposit bail to secure their release from detention. The remaining staff were not charged, but none have been allowed to return to work at the British Embassy. Despite frequent requests to the Iranian authorities by the British Embassy in Tehran to resolve these cases, no progress has been made, including on the appeal by the individual who was sentenced to four years in prison.

5. **Saudi Arabia** (20 May 2010) referred to incidents involving diplomatic missions and diplomatic staff of Saudi Arabia in Khartoum (1973), Beirut (1984), Tehran (1987), Ankara (1988-1990), Karachi, Pakistan (1988), Bangkok (1989-1990), Sana'a (1991-1992), Kazakhstan (1997) and Canberra (1998):

(a) On 1 March 1973, the Black September Organization stormed the Embassy of Saudi Arabia in Khartoum;

(b) On 14 Rabi` II A.H. 1404 (18 January 1984), the Consul of Saudi Arabia in Beirut, Mr. Hussein Farrash, was abducted;

(c) On 27 Dhu'lqa`dah A.H. 1404 (25 August 1984), the Embassy of Saudi Arabia in Beirut was attacked and the consulate set on fire;

(d) Following the A.H. 1407 (1987) hajj, the Embassy of Saudi Arabia in Tehran was stormed and the Saudi Arabian diplomat Musa`id Al-Ghamidi was killed;

(e) On 15 Rabi` I A.H. 1409 (26 October 1988), the Second Secretary of the Embassy of Saudi Arabia in Ankara, Mr. Abdul-Ghani Badiwi, was killed;

(f) On 18 Jumada I A.H. 1409 (28 December 1988), an attempt was made to assassinate the Deputy Consul in Karachi, Pakistan, Mr. Hassan Al-Umari; he was disabled as a result of the gunfire;

(g) The following four Saudi Arabian diplomats were killed in Bangkok:

(i) On 4 January 1989, Third Secretary, Mr. Salih Al-Maliki;

(ii) On 1 February 1990, Second Secretary, Mr. Fahd Al-Bahili and attaché Mr. Ahmad Al-Saif;

(iii) On 1 February 1990, Second Secretary, Mr. Abdullah Al-Basri;

(h) On 17 Rabi` I A.H. 1410 (17 October 1989), outside the military attaché's section of the Embassy of Saudi Arabia in Ankara, the car of Mr. Abdul-Rahman Al-Shariwi, accountant of the section, was blown up with him in it;

(i) On 17 Jumada II A.H. 1410 (15 January 1990), the car of the Second Secretary of the Embassy of Saudi Arabia in Ankara, Mr. Abdul-Razzaq Kashmiri, was blown up outside his house;

(j) On 19 Dhu'lqa`dah A.H. 1411 (3 June 1991), during the Gulf War, an attempt was made to storm the Embassy of Saudi Arabia in Sana'a;

(k) On 16 Rajab A.H. 1411 (1 February 1991), a bomb was thrown into the Embassy of Saudi Arabia in Sana'a;

(l) On 16 Shawwal A.H. 1412 (20 April 1992), the Ambassador of Saudi Arabia in Sana'a was kidnapped;

(m) On 10 Sha`ban A.H. 1418 (10 December 1997), the Second Secretary at the Embassy of Saudi Arabia in Kazakhstan, Mr. Ahmad Al-Saudi, was killed;

(n) On 13 October 1998, the First Secretary at the Canberra Embassy, Mr. Abdullah Al-Ghamidi, was killed;

6. **Finland** (27 May 2010) referred to incidents involving the chancery of the Embassy of Turkey (2008) and the premises of the Embassy of Ukraine in Helsinki (2009):

On 21 October 2008, the chancery of the Embassy of Turkey was attacked by five men, who threw petrol bombs at the Embassy's door. One person was slightly injured during the attack. The men were subsequently seized and sentenced to conditional imprisonment for sabotage and to pay compensation to the Embassy by the Helsinki District Court. The Finnish authorities strengthened security procedures around the Embassy for some time.

On 25 May 2009, damage was caused to the premises of the Embassy of Ukraine in Helsinki. The damage was caused by someone shooting a paintball weapon against the windows of the Embassy. The exploding paint pellets stained part of the Embassy's windows and paving. The incident was investigated by the police, but the offender(s) remain unknown. The Ministry of Foreign Affairs paid compensation to the Embassy for the repair work carried out as a result of the damage.

7. **Belarus** (17 June 2010) referred to incidents involving the driver and the Ambassador of the Embassy of Belarus in Austria (2010); the Belarusian diplomatic mission in Kyrgyzstan (2010); and apartments occupied by members of the Belarusian consular office in Tallinn (2009):

On 8 April 2010 at 5.40 p.m. the Austrian police stopped a Mercedes E-230 vehicle belonging to the Embassy of Belarus in Austria, driven by Mr. S. I. Blinov, an Embassy driver. Ambassador A. N. Sychev was in the vehicle, en route to an official meeting.

Without giving any explanation, the police officers demanded to see the driver's licence and vehicle registration as well as the accreditation documents of the driver and the Ambassador. After a lengthy verification of the documents, lasting about 20 minutes, the police officers demanded that the Embassy driver take a blood alcohol test. They also demanded to see the fire extinguisher, the emergency warning triangle and the first aid kit, which may be regarded as an indirect attempt to inspect the vehicle.

The Embassy driver was sober and had not violated any traffic regulations. He refused to take a blood alcohol test and waited for a consular official from the Embassy to arrive.

In the course of the verification, the police officers behaved rudely, ignored the fact that the Ambassador was in the vehicle, refused to show their identification documents, repeatedly demanded that the driver get out of the vehicle, threatening him with arrest and detention of the vehicle, and also showed a willingness to use physical force against the driver.

The police officers did not wait for the arrival of a consular official from the Embassy and, after some time, curtly insisted that the vehicle should move on from the place where it had been stopped. Although he was not intoxicated, the Embassy driver was forbidden to drive the vehicle, his driving licence was confiscated, and the Ambassador was forced to drive the vehicle. Mr. Blinov's driving licence was subsequently returned to staff of the Embassy of Belarus at the police station (Stiftgasse 2).

The inappropriate actions of the police officers and their unwillingness to await the Consul's arrival on the scene may be regarded not only as exceeding their authority but also as a violation of article 29 of the Vienna Convention on Diplomatic Relations. Furthermore, the detention of the Ambassador for a fairly

long time (about one hour) while he was on his way to an official meeting and the confiscation of the Embassy driver's driving licence were a direct hindrance to the performance of official duties.

Starting on 18 April 2010, there were pickets of up to 100 people outside the building of the Belarusian diplomatic mission in Kyrgyzstan nearly every day. During these actions, traffic was blocked in front of the building and overt threats made against the diplomatic mission and its staff. The Embassy also received information about possible seizure of the Embassy building and of its staff as hostages.

Belarus repeatedly asked the Kyrgyz authorities to ensure the security of the Belarusian diplomatic mission and its staff, in accordance with the provisions of the Vienna Convention on Diplomatic Relations.

In order to prevent harm to the lives and health of the staff of the Embassy of Belarus in Kyrgyzstan, a decision was taken in May 2010 to transfer the Embassy staff to Minsk, recall the Ambassador of Belarus for consultations and remove the property of the Belarusian diplomatic mission.

During the second half of 2009, in Estonia, there were two burglaries of apartments occupied by members of the Belarusian consular office in Tallinn.

During the night of 10 August 2009, the apartment of Mr. S. I. Ventsel, Consul of the Consulate General of Belarus in Tallinn, was broken into. Cash, valuables and documents were stolen.

On 21 December 2009, the apartment of Mr. E. L. Feshchenko, Vice-Consul of the Consulate General of Belarus in Tallinn, was broken into and valuables were stolen.

An investigation is under way.

8. **Democratic Republic of the Congo** (15 July 2010) referred to an incident involving the residence of the Ambassador of the Democratic Republic of the Congo in London (2010):

During the night of 6 to 7 June 2010, unknown individuals attacked the residence of the Ambassador of the Democratic Republic of the Congo in London. This attack resulted in substantial material damage to movable and immovable assets, including several vehicles belonging to the Ambassador and the Mission, which were completely destroyed by fire, as well as to the residence premises.

The Government of the Democratic Republic of the Congo protested strongly against this barbaric act in its note verbale of 10 June 2010 to the British Government, and, with regard to the protection, security and safety of its Mission in London and its staff, recalls paragraphs 3 and 5 of General Assembly resolution 63/126.

9. **Mexico** (7 September 2010) referred to incidents involving the Consulate General of the United States in Nuevo Laredo, State of Tamaulipas, and a staff member at the Consulate General of the United States in Ciudad Juárez (2010):

On 9 April 2010, an unknown number of persons threw an explosive device at the Consulate General of the United States in Nuevo Laredo.

The following day, consular staff reported the incident to the local branch of the Office of the Attorney General of the Republic in the State of Tamaulipas. The

same day, an official from the Public Prosecutor's Office and experts in forensics, ballistics and photography went to the scene.

The Office of the Attorney General of the Republic reports that the explosion was caused by a fragmentation grenade and that its state branch office is taking various steps to bring the perpetrator(s) to justice.

The Office of the Attorney General of the Republic in the State of Chihuahua opened an investigation into the homicide, on 13 March 2010, of Lesley A. Enriquez, a staff member at the Consulate General of the United States in Ciudad Juárez.

On 26 March 2010, authorities arrested Ricardo Valles de la Rosa, the leader of a criminal organization that operates in that city.

On 5 April 2010, the Office of the Attorney General of the Republic received the corresponding case file, together with a certified copy of a statement made by the accused, who openly admitted having taken part in the acts in question. The case is currently under investigation.

Jesús Ernesto Chávez Castillo, who allegedly was behind the homicide of Lesley A. Enríquez, was arrested in July 2010, along with six other persons who were with him. The corresponding investigation is currently being conducted by the Federal Public Prosecutor from the Office of the Special Assistant Attorney General for Organized Crime.

10. **Austria** (16 September 2010) referred to the incident concerning the vehicle belonging to the Embassy of Belarus in Austria reported by Belarus to the United Nations in its note verbale of 17 June 2010:

Austria would like to submit the following clarifications.

Austria rejects any allegation that it has violated article 29 of the Vienna Convention on Diplomatic Relations and that it hindered the Belarusian Ambassador from the performance of his duties. The facts of the case are as follows:

On 8 April 2010, at approximately 5.35 p.m., Austrian police officers stopped a vehicle belonging to the Embassy of Belarus because the vehicle was driving in violation of several provisions of the Austrian law on road traffic. The driver was not only using the bus lane illegally but was driving recklessly with excessive speed, thereby seriously endangering cyclists driving legitimately in the bus lane. In addition, the driver had not fastened his seat belt.

When the police officers asked the driver for his licence and the car registration, the Belarusian Ambassador travelling in the rear of the car threatened them, saying that they would lose their jobs if they did not let the vehicle go. Since there were obvious signs that the driver was drunk, he was requested to submit to a breathalyzer test, which he refused to do. In accordance with the above-mentioned law on road traffic and in order to avoid placing other road users at risk, the police officers decided to forbid the driver to continue behind the wheel. The Belarusian Ambassador subsequently volunteered to drive the vehicle himself, to which the police agreed.

Austria would like to emphasize that the conduct of its police officers was fully in compliance with the provisions of the Vienna Convention on Diplomatic Relations, including its article 29. Austrian officers did not detain either the Ambassador or his driver, nor did they ever show a willingness or even threaten to

use force. On the contrary, the officers treated both the Ambassador and his driver with due respect and dignity, acting in full accordance with internal instructions and within their authority.

In a note verbale to the Embassy of Belarus in Vienna dated 12 August 2010, Austria, submitted detailed clarifications of the case and emphasized that, according to article 41 of the Vienna Convention on Diplomatic Relations, all persons enjoying privileges and immunities must respect the laws and regulations of the receiving State, including laws on road traffic. The Embassy was also informed, by the same note verbale, that the administrative proceeding for violating the Austrian road traffic law had been discontinued with regard to the privileges and immunities enjoyed by the accused.

Lastly, Austria would like to refer to paragraph 6 of General Assembly resolution 63/126, in which the Assembly urged States to take all appropriate measures, in accordance with international law, at the national and the international levels, to prevent any abuse of diplomatic or consular privileges and immunities. Similarly, the preamble to the Vienna Convention on Diplomatic Relations states that the purpose of privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States. In this context, Austria is of the firm opinion that hindering a person enjoying privileges and immunities from driving when such a person, as in the case in question, was seriously endangering the life and health of other road users is in compliance with article 29 of the Vienna Convention on Diplomatic Relations.

II. Views expressed by States pursuant to paragraph 12 of General Assembly resolution 63/126

11. **Finland** (27 May 2010) expressed the following views:

The Finnish authorities wish to assure the Secretary-General that they take very seriously their duty to take all appropriate action to protect the premises of diplomatic missions against any intrusion or damage and to prevent any attack on the person of the staff members of the missions. Finland also wishes to emphasize the importance of cooperation on security matters not only at the international level, but also at the national level between the missions and the competent local authorities.

12. **Turkmenistan** (9 August 2010) reported that, in accordance with the Internal Authorities Act of 2001, the Police Act of 2001 and Presidential Decree No. 7540 of 2005, a National Central Bureau of INTERPOL attached to the Ministry of Internal Affairs was established. Membership in INTERPOL has given Turkmenistan's law enforcement agencies access to international information on persons connected with international crime and terrorism and the ability to use more modern systems for the exchange of operational information.

13. **Burkina Faso** (17 May 2010), **Switzerland** (17 May 2010), **Saudi Arabia** (20 May 2010), **Madagascar** (7 June 2010) and **Turkmenistan** (7 June and 9 August 2010) reported on the measures taken by them to enhance the protection, security and safety of diplomatic and consular missions and representatives as well

as missions and representatives with diplomatic status to international intergovernmental organizations on their respective territories.[1]

14. **Turkmenistan** (7 June and 9 August 2010) reported that it has adhered to a number of international documents in the area of diplomatic and consular relations, in particular several conventions relating to the security and safety of diplomatic and consular missions and representatives.

[1] For the relevant parts of the reports, see the website of the Sixth Committee of the General Assembly (www.un.org/ga/sixth/), sixty-fifth session: "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives"; report of the Secretary-General; full texts of the replies.